

Department of Planning and Budget 2005 Fiscal Impact Statement

1. Bill Number SB1294

House of Origin ☐ Introduced ☐ Substitute ☐ Engrossed
Second House ☐ In Committee ☐ Substitute ☒ Enrolled

2. Patron Ruff

3. Committee Passed Both Houses

4. Title Attorney General; duties; representation of soil and water conservation districts.

5. Summary/Purpose:

The enrolled SB 1294 allows the Office of the Attorney General to represent soil and water conservation districts and district directors in civil litigation if requested by the attorney for the Commonwealth. Currently, such representation is provided by the attorney for the Commonwealth of the county or city in which the suit or action arises.

6. Fiscal Impact Estimates are: Final

6a. Expenditure Impact:

| <i>Fiscal Year</i> | <i>Dollars</i> | <i>Positions</i> | <i>Fund</i> |
|--------------------|----------------|------------------|-------------|
| 2004-05 | - | - | |
| 2005-06 | 75,000 | 1.00 | GF |
| 2006-07 | 75,000 | 1.00 | GF |
| 2007-08 | 75,000 | 1.00 | GF |
| 2008-09 | 75,000 | 1.00 | GF |
| 2009-10 | 75,000 | 1.00 | GF |
| 2010-11 | 75,000 | 1.00 | GF |

7. Budget amendment necessary: No, see item 8.

8. Fiscal implications:

The Code currently gives responsibility for representation of the soil and water conservation districts to the local Commonwealth's Attorney (CA). The CA offices fund the effort from existing resources, but because of the infrequent nature of the work, no funds are dedicated for the effort. Therefore, savings to the Commonwealth's Attorneys' offices cannot be identified.

The enrolled bill authorizes local Commonwealth Attorneys to request assistance from the Office of the Attorney General (OAG). To accommodate the requests, the office reports it will need an attorney dedicated to the program, and related support costs.

While the language is permissive, the OAG estimates it will need an additional attorney to do the work, at an estimated annual cost of \$75,000 for personal services costs. Since the

budget wasn't amended, the OAG reports it will assist local soil and water conservation districts to the extent available agency resources allow, and then decline giving representation when the resources are exhausted.

9. Specific agency or political subdivisions affected: Office of the Attorney General, Commonwealth's Attorneys, and Soil and Water Conservation Districts

10. Technical amendment necessary: No

11. Other comments: None

Date: 03/09/05 / GDJ

Document: G:\05 Legislation\Sb1294er.Doc

c: Secretary of Natural Resources
Office of the Attorney General